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DATE FILED: 12/31/2014

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UPT POOL LTD.,

Plaintiff,

-against-

DYNAMIC OIL TRADING (SINGAPORE) PTE. LTD., O.W. BUNKER USA INC., O.W. BUNKER NORTH AMERICA INC., O.W. BUNKER HOLDING NORTH AMERICA INC., HARLEY MARINE SERVICES, INC., ING BANK N.V.,

Defendants:

-----X  
BIRCH SHIPPING LTD.,

Plaintiff,

-against-

O.W. BUNKER CHINA LTD. (HK), O.W. BUNKER USA INC., O.W. BUNKER NORTH AMERICA INC., O.W. BUNKER HOLDING NORTH AMERICA INC., O.W. BUNKER & TRADING A/S, CHEMOIL LATIN AMERICA, INC., ING BANK N.V.,

Defendants:

-----X  
CLEARLAKE SHIPPING PTE LTD.,

Plaintiffs,

-against-

O.W. BUNKER (SWITZERLAND) SA, O.W. BUNKER USA INC., O.W. BUNKER NORTH AMERICA INC., O.W. BUNKER HOLDING NORTH AMERICA INC., WESTOIL MARINE SERVICES, INC., ING BANK N.V.,

Defendants:

ORDER

14-CV-9262 (VEC)

14-CV-9282 (VEC)

14-CV-9286 (VEC)

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CLEARLAKE SHIPPING PTE LTD,	:
	:
Plaintiff,	:
	:
-against-	:
	:
O.W. BUNKER (SWITZERLAND) SA, O.W.	:
BUNKER USA INC., O.W. BUNKER NORTH	:
AMERICA INC., O.W. BUNKER HOLDING	:
NORTH AMERICA INC., NUSTAR ENERGY	:
SERVICES INC., ING BANK N.V.,	:
	:
Defendants:	:
-----X	
BONNY GAS TRANSPORT LIMITED, as owner	:
of the LNG FINIMA (IMO No. 7702401),	:
	:
Plaintiff,	:
	:
-against-	:
	:
O.W. BUNKER GERMANY GMBH, NUSTAR	:
TERMINALS MARINE SERVICES N.V.,	:
NUSTAR ENERGY SERVICES, INC., ING	:
BANK N.V.,	:
	:
Defendants:	:
-----X	
MT CAPE BIRD TANKSCHIFFAHRTS GMBH	:
& CO. KG, individually and on behalf of M/T	:
CAPE BIRD (IMO No. 9260067),	:
	:
Plaintiff,	:
	:
-against-	:
	:
O.W. USA INC., O.W. NORTH AMERICA INC.,	:
HARLEY MARINE SERVICES, INC., ING	:
BANK N.V.,	:
	:
Defendants:	:
-----X	

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SHV GAS SUPPLY & RISK MANAGEMENT	:
SAS AND EXMAR SHIPPING BVBA,	:
as owner of the WAREGEM (IMO No. 9659127),	:
	:
Plaintiffs,	:
	:
-against-	:
	:
OW BUNKER USA, INC., OW BUNKER	:
HOLDING NORTH AMERICA INC., OW	:
BUNKER NORTH AMERICA INC., NUSTAR	:
ENERGY SERVICES, INC., ING BANK NV,	:
	:
Defendants.	:
-----X	
HAPAG-LLOYD AKTIENGESELLSCHAFT,	:
	:
Plaintiff,	:
	:
-against-	:
	:
U.S. OIL TRADING L.L.C., O.W. BUNKER	:
GERMANY GMBH, O.W. BUNKER &	:
TRADING A/S, ING BANK N.V. AND CREDIT	:
AGRICOLE S.A.,	:
	:
Defendants.	:
-----X	
OSG SHIP MANAGEMENT, INC., and 1372	:
TANKER CORPORATION as owner of the M/V	:
OVERSEAS MULAN (IMO NO. 9230880),	:
	:
Plaintiffs,	:
	:
-against-	:
	:
O.W. BUNKER USA INC., OW BUNKER	:
MIDDLE EAST DMCC, CHEMOIL	:
CORPORATION, CHEMOIL MIDDLE EAST	:
DMCC, GPS CHEMOIL LLC FZC, and ING	:
BANK NV,	:
	:
Defendants.	:
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14-CV-9720 (VEC)

14-CV-9949 (VEC)

14-CV-9973 (VEC)

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HAPAG-LLOYD AKTIENGESELLSCHAFT,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	14-CV-10027 (VEC)
	:	
O'ROURKE MARINE SERVICES L.P., L.L.P.,	:	
O.W. BUNKER GERMANY GMBH, O.W.	:	
BUNKER USA, INC., ING BANK N.V.,	:	
	:	
Defendants.	:	

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CONTI 149 CONTI GUINEA, individually and on	:	
behalf of M/T CONTI GUINEA (IMO No.	:	
9391402),	:	
	:	
Plaintiff,	:	
	:	
-against-	:	14-CV-10089 (VEC)
	:	
O.W. BUNKER PANAMA S.A., O.W. BUNKER	:	
USA INC., CLEMENTI PARK SHIPPING CO.	:	
PTE LTD., ING BANK N.V.,	:	
	:	
Defendants.	:	

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NYK BULK & PROJECT CARRIERS LTD.,	:	
individually and on behalf of M/V OCEAN	:	
FRIEND (IMO No. 9401829),	:	
	:	
Plaintiff,	:	
	:	
-against-	:	14-CV-10090 (VEC)
	:	
O.W. BUNKER USA INC., NUSTAR ENERGY	:	
SERVICES, INC., HARLEY MARINE GULF,	:	
INC., ING BANK N.V.,	:	
	:	
Defendants.	:	

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NIPPON KAISHA LINE LIMITED, individually	:	
and on behalf of M/V RIGEL LEADER (IMO	:	
No.9604940),	:	
	:	
Plaintiff,	:	
	:	14-CV-10091 (VEC)
-against-	:	
	:	
O.W. BUNKER USA INC., NUSTAR ENERGY	:	
SERVICES, INC., KIRBY INLAND MARINE LP,	:	
ING BANK N.V.,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS, the above-captioned cases have been assigned or transferred to this Court as cases that are related to *UPT Pool Ltd. v. Dynamic Oil Trading (Singapore) Pte. Ltd. et al.* (14-cv-9262); and,

WHEREAS, pursuant to the Court's Order of December 19, 2014, (1) counsel for all parties were directed to submit briefs by January 16, 2015 showing cause why these cases should not be transferred to the United States District Court for the District of Connecticut; and (2) counsel for parties in *SHV Gas Supply & Risk Management SAS et al v. O.W. Bunker USA, Inc. et al.* (14-cv-9720), *Hapag-Lloyd Aktiengesellschaft v. U.S. Oil Trading L.L.C. et al.* (14-cv-9949), and any other case presenting similar facts, were directed to brief, upon a mutually agreeable schedule to be proposed by the parties, whether it is proper for the Court to permit Plaintiffs to initiate interpleader actions with injunctive relief under circumstances where the subject vessel has not yet arrived, and is not scheduled to imminently arrive, at a port in this District; and,

WHEREAS, by letter dated December 22, 2014, counsel for the Official Committee of Unsecured Creditors (the "Creditors' Committee") of the O.W. Bunker Debtors currently in

bankruptcy proceeding in the United States Bankruptcy Court for the District of Connecticut (the “Bankruptcy Court”) filed a letter (1) informing the Court that the Creditors’ Committee and O.W. Bunker Debtors intend to file a joint motion in the Bankruptcy Court seeking to transfer the bankruptcy proceedings to the United States Bankruptcy Court for the Southern District of New York (the “Transfer Motion”) and (2) requesting that the Court rescind its Order of December 19, 2014 and hold the above-captioned cases in abeyance pending the Bankruptcy’s Court’s adjudication of the Transfer Motion; and,


WHEREAS, by letter dated December 23, 2014, counsel for Plaintiffs in *SHV Gas Supply & Risk Management SAS et al v. O.W. Bunker USA, Inc. et al.* (14-cv-9720) requested that the Court approve a briefing schedule agreed to by the parties, whereby Defendants’ briefs challenging the Court’s jurisdiction under circumstances where the subject vessel is not physically present within this District would be due January 14, 2015 and Plaintiffs’ responses would be due February 4, 2015; it is hereby ORDERED:

1. The request by Plaintiff’s counsel in *SHV Gas Supply & Risk Management SAS et al v. O.W. Bunker USA, Inc. et al.* for approval of the briefing schedule proposed in counsel’s letter of December 23, 2014 is GRANTED. All counsel in the above-captioned cases wishing to present arguments relating to the Court’s jurisdiction over vessels located outside this District, including counsel for parties in cases filed after the issuance of the Court’s Order of December 19, 2014, are encouraged to participate in this briefing.
2. The Creditors’ Committee’s request that the Court rescind its order of December 19, 2014 and hold the above-captioned cases in abeyance pending the Transfer Motion is DENIED. Briefing shall proceed as previously ordered and all counsel, including counsel for parties in cases filed after the issuance of the December 19, 2014 order, are encouraged to participate.

3. With respect to cases numbered 14-cv-9282, 14-cv-9286, 14-cv-9542, 14-cv-9646, 14-cv-9720, 14-cv-9973, 14-cv-10089, 14-cv-10090, and 14-cv-10091, the Clerk of Court is respectfully requested to transfer all funds currently on deposit into separate interest-bearing accounts in the registry of this Court (CRIS) for ultimate disposition by order of this Court.
4. Counsel for all parties who have submitted pleadings, motions or other filings with the Court are reminded that they must electronically file all such materials on the appropriate dockets via ECF.
5. Counsel for each Plaintiff shall be responsible for distributing copies of this Order to all Defendants named in their respective cases.

**SO ORDERED.**

**Date: December 31, 2014**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**